

P-8986C

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application

Inventor: Steven M. Enyart, et al

For: "EDIBLE FOOD CONTAINER AND METHOD OF MANUFACTURING SAME"

BOX FWC
COMMISSIONER OF PATENTS AND TRADEMARKS
WASHINGTON DC 20231

DECLARATION UNDER 37 CFR 1.132

Sir:

J. Bruce Litchfield declares as follows:

1. I am a co-inventor of the above-identified application.
2. I received a Bachelor of Science degree in Mechanical Engineering from the University of Illinois in 1978. I received the Master of Science and Doctor of Philosophy degrees in Food Engineering from Purdue University in 1984 and 1986 respectively.
3. From 1978 to 1982 I was employed as an engineer with General Foods Corporation. During the years 1982-1986 I held the position of Graduate Research Instructor at Purdue University. From 1986 to the present I have been on the faculty of the University of Illinois and since August 1992 have held the rank of Associate Professor. I specialize in teaching courses on "Engineering Properties of Food Materials" and "Food Engineering Design".
4. I have authored or coauthored over 35 refereed Journal articles, over 35 papers for technical meetings, authored or coauthored over 15 abstracts, an encyclopedia article, and numerous industry reports relating to food and bioprocess engineering: design of food processing equipment and facilities; coupled heat and mass transfer-drying, milling, preservation techniques; magnetic resonance imaging; physical properties of foods and biological materials; sensors and process control; and emerging



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my opinion, be considerably less than the edible sticks of this application described above. Consequently, the conventional cookie would fail with much less force when made the size and shape of a stick and would therefore be unsuitable as a holder for a frozen dessert bar.

8. I am familiar with the ice cream cone and the recipe therefor. However, the strength of the ice cream cone is inherently less critical than that of a stick since the geometry of the cone is inherently stronger than a stick. If made of the same ingredients, a cone can support much greater axial and shear stresses than a single rectangular beam, like a frozen novelty stick. There is more material, it is spread over a larger area, and the geometry itself distributes and supports the load more effectively. That accounts for the absence of commercially marketed edible sticks for these purposes made from ice cream cone ingredients.

9. Based on my expertise in the field of food engineering, I am of the opinion that the recipe and process disclosed and claimed in this application define criticality within the baking art in the production of edible holder sticks for use with frozen dessert bars. Further, that such recipe and process are unknown and not suggested by any prior art alone or in combination of which I am aware including the prior art of record in this application.

10. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-referenced application or any patent issuing thereon.

DATE 24 February 1994


J. Bruce Litchfield